

REMARKS

The Office Action dated April 16, 2007 has been fully considered by the Applicants. The telephone conference among Examiner Lee, the undersigned, and Assignee's representative, Rob Stauder, is gratefully acknowledged.

The Applicants acknowledge the Examiner's comments regarding the non-publication request and confirm their recission of the non-publication request.

Applicants note the Examiner's objections to the drawings and the Examiner's comments under 35 U.S.C. §112. In response thereto, Applicants have amended independent Claims 1 and 10 to clearly convey that the threaded bolts which create a fluid tight fit pass through threaded openings in both the closed top of the locking screw and through the cylindrical walls of the locking screw. Accordingly, it is believed that the §112 issues have been addressed. Additionally, it is believed that the drawings as filed reflect the claims as now amended.

Independent Claim 1 and independent Claim 10 have also each been amended to include the limitations of Claim 5 which sets forth a locking ring with internal threads and a plurality of removable fasteners between the locking ring and the module block in order to secure the locking ring to the module block. Accordingly, dependent Claim 5 has now been canceled.

The rejection of the claims, under 35 U.S.C. §103, as now amended, as being unpatentable over Reed (U.S. Patent No. 5,605,449) in view of Smith (U.S. Patent No. 3,235,272) and further in view of King (U.S. Patent No. 5,362,215) is respectfully traversed. The combination of Reed, Smith and King, taken together, does not reach the limitations of the claims as now amended.

Initially, the valve cover locking screw of the present invention has a closed top (Claim 1, lines 4-5) which is in contrast to Smith wherein the valve cover has a central opening therethrough. Smith is a standard plug valve with a shank 30 of the plug extending through the valve cover locking

screw. Accordingly, the use of threaded bolts in Smith through the cover plate 14 would not result in the claim limitations as set forth in independent Claims 1 and 10.

Tightening of the threaded bolts 24 in Smith would not create a seal which “forces said valve cover against said module block. . .” as claimed.

Additionally, as now amended, Claims 1 and 10 each convey that the threaded bolts pass through both the closed top and the cylindrical walls of the locking screw. The threaded bolts in Smith do not pass through both the closed top of the locking screw and through the cylindrical walls of the locking screw. The threaded bolts in Smith do not pass through the cylindrical walls at all. Stated in other words, even if a designer knew of the threaded bolts 24 in Smith, they would not know to pass them through the cylindrical walls. Accordingly, application of Smith and Reed together would not result in the limitations as set forth in Claims 1 and 10.

Moreover, it is submitted that Smith would be non-analogous art to the reciprocating pump module block of the present invention. Smith is directed to a plug valve to selectively seal off a passage wherein the present invention is directed to an access port for a reciprocating pump module block. Smith is directed to different classes and subclasses and would not be within the knowledge of a designer of reciprocating pumps or reciprocating pump module blocks.

In addition, the threaded bolts of Smith do not engage a valve cover which closes the bore. Instead, the threaded bolts in Smith engage a floating thrust collar or gland 20 which does not close off the valve cover against the module block to create a fluid tight seal. Accordingly, the application of Smith with Reed does not reach the limitations of the present invention.

Moreover, the Examiner properly notes in the Office Action that neither Smith nor Reed discloses a locking ring. As now amended, both Claims 1 and 10 include limitations of a locking

ring and removable fasteners to secure the locking ring to the module block. While King discloses a locking ring and fasteners, it is otherwise dissimilar.

In summary, the combination of Reed, Smith, and King taken together do not reach the limitations of the claims.

Finally, the combination of three disparate patent references is untenable. It is improper to combine references to achieve the invention under consideration unless there is some incentive or suggestion in the references to do so.

The Court of Appeals for the Federal Circuit has repeatedly held that under Section 103, teachings from various references can be combined only if there is some suggestion or incentive to do so. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F2d 1572, 221 USPQ 929 (CAFC 1984).

Stated another way:

It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps...The references themselves must provide some teaching whereby the applicant's combination would have been obvious. In re Gorman, 18 USPQ2d 1885 (CAFC 1991).

The Examiner is required to follow the law as set forth by the Federal Circuit. In summary, the combination of patents to achieve the claims of the present invention is untenable.

The combination of Smith is also impermissible for an additional reason. Smith is directed to non-analogous art which does not qualify as a prior art reference. Prior patent references only qualify as prior art for an obviousness determination when analogous to the claimed invention. In re Clay, 966 F.2d 656,658 (Fed. Cir. 1992). Two separate tests define the scope of analogous prior

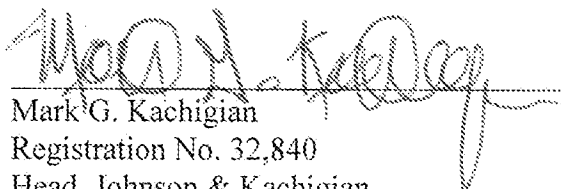
art: (1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved. In re Deminski, 796 F.2d 436, 442 (Fed. Cir. 1986). In the present case, Smith is directed to a plug valve that regulates fluid flow and is non-analogous art to a valve cover which provides access to a reciprocating pump (this is also confirmed by the different Patent Office class and sub-class of Smith). The present invention is directed to a valve cover where the term "valve" is defined as a cover plate.

The term "valve" set forth in the claims is capable of alternate definitions. As seen in the attached dictionary definition, the valve of Smith conforms to the first definition of "valve" in the dictionary. The definition in 3(b) of a covering plate of one of two or more external pieces forming a sheath is closer to the definition of the claimed invention.

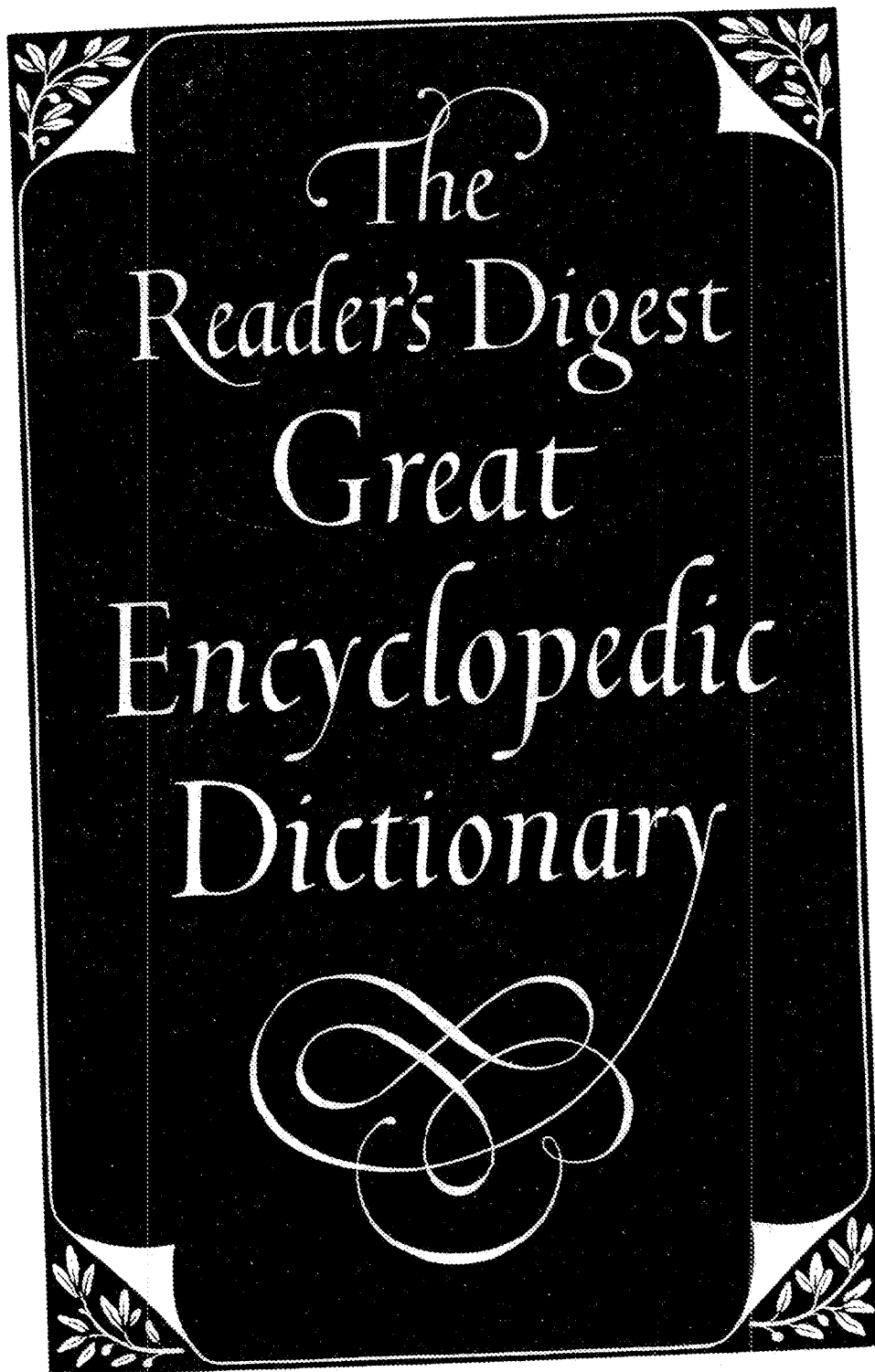
The remaining claims are all dependent on Claims 1 and 10, include all of the limitations thereof, and are believed allowable for all of the same reasons.

It is believed the foregoing is fully responsive to the outstanding Office Action. If any issues remain, a telephone conference with the Examiner is respectfully requested.

Respectfully submitted,


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33,000; formerly *Aelona*. Albanian *Vlona*, *Vlonë*, *Flora*, *Vlorë*.

va-lo-ni-a (və-lō-nē-ə) *n.* The dried acorn cups of the Old World *valonia oak* (*Quercus macrolepis*), used as a tanning material. [*< Ital. vallonia < Modern Gk. balania* an evergreen oak, pl. of *balani* acorn *< Gk. balanos*]

val-or (val'ər) *n.* Intrepid courage, especially in warfare; personal bravery. Also *Brit. val'or*. [*< OF valour < LL valor* worth *< valere* to be strong]

val-or-i-za-tion (val'ər-ə-zā'shən, -i-zā'-) *n.* The maintenance by governmental action of an artificial price for any product. [*< Pg. valorização < valor* value *< LL. See VALOR.*]

val-or-ize (val'ər-iz) *v.t.* *ized, -izing* To subject to valorization. Also *Brit. val'or-ise*.

val-or-ous (val'ər-əs) *adj.* Courageous; valiant. — *val'or-ous-ly adv.* — *val'or-ous-ness n.*

Val-pa-rai-so (val'pə-rā'zō, -sō, -rī'-) A port city in central Chile; pop. 259,241 (1960). *Spanish Val-pa-ra-i-so* (bāl'pā-rā'ē'sō).

val-u-a-ble (val'yū-ə-bəl, val'yə-bəl) *adj.* 1. Having relatively great financial worth, price, or value; costly. 2. Of a nature or character capable of being valued or estimated. 3. Having moral worth, value, or importance; very serviceable; worthy; estimable: a *valuable* friend. — *n.* Usually pl. An article of worth or value, as a piece of jewelry. — *val'u-a-ble-ness n.* — *val'u-a-bly adv.*

val-u-ate (val'yū-ā-ē) *v.t.* *-ated, -ating* To give a value to; evaluate. [Back formation *< VALUATION*]

val-u-a-tion (val'yū-ā'shən) *n.* 1. The act of valuing. 2. Estimated worth or value; appraisal; price. 3. Personal estimation; judgment of merit or character: to set a high *valuation* on one's skill or power. — *val'u-a-tion-al adj.*

val-u-a-tor (val'yū-ā'tər) *n.* One who makes appraisals; an appraiser.

value (val'yū) *n.* 1. The desirability or worth of a thing; intrinsic worth; utility. 2. The rate at which a commodity is potentially exchangeable for others; a fair return in service, goods, etc.; worth in money; market price; also, the ratio of utility to price; a bargain. 3. Attributed or assumed valuation; esteem or regard. 4. Exact meaning; signification; import: the *value* of the words "will" and "shall." 5. *Music* The relative length of a tone as signified by a note. 6. *Math.* The quantity, magnitude, or number an algebraic symbol or expression is supposed to denote. 7. Rank in a system of classification. 8. In the graphic arts, the relation of the elements of a picture, as light and shade, to one another, especially with reference to their distribution and interdependence. 9. *Phonet.* The special quality of the sound represented by a written character: the *values* of the letter *e*. — *v.t.* *-ued, -uing* 1. To estimate the value or worth of; assess; appraise. 2. To regard highly; esteem; prize. 3. To place a relative estimate of value or desirability upon. 4. To give a (specified) value to: *value* the English pound at \$2.80. [*< OF valu*, pp. of *valoir* to be worth *< L valere*] — *val'u-less adj.* — *val'u-er n.*

val-ued (val'yūd) *adj.* 1. Regarded or estimated; much or highly esteemed: a *valued* friend. 2. Having a (specified) value: used in combination: a *many-valued* function.

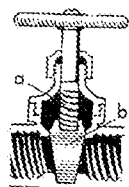
valued policy A policy requiring an insurance company to pay the insured the full amount of his policy, regardless of the actual value of the property, if it is totally destroyed.

val-val (val'val) *adj.* Of or pertaining to a valve. Also *val'var* (-vər).

val-vate (val'vāt) *adj.* 1. Serving as or resembling a valve; having a valve; valvular. 2. *Bot.* a Touching by contiguous edges, as capsules that separate like valves. *b* Meeting without overlapping, as the petals of many flowers. [*< L val-vatus* with folding doors *< valva*. See VALVE.]

valve (valv) *n.* 1. *Mech.* Any contrivance or arrangement that regulates the amount and direction of flow of a liquid, gas, vapor, or loose material. 2. *Anat.* A structure formed by one or more loose folds of the lining membrane of a vessel or other organ, allowing flow of a fluid in one direction only, as blood to and from the heart. 3. *Zool.* a One of the parts of a shell, as of a mollusk. *b* A covering plate or one of two or more external pieces forming a sheath, as for an ovipositor. 4. *Bot.* a One of the parts into which a capsule splits in dehiscence. *b* One of the halves of an anther after its opening. 5. *Electr.* A device for controlling the direction of flow of a current, as an electrolytic cell, or an electron tube. 6. *Brit.* An electron tube. 7. A device in certain brass instruments for lengthening the air column and lowering the pitch of the instrument's scale. Abbr. *v.* — *n.t.* **valved, valv-ing** To furnish with valves; control the flow of by means of a valve. [*< L valva* leaf of a door] — *valv'e-less adj.*

valve-in-head engine (valv'in-hed') *Mech.* An internal-combustion engine having overhead valves.



GATE VALVE
a Screw.
b Gate closed.

nature of a valve, as of the heart. 2. Having valves; acting as a valve.

val-vule (val'vyūl) *n.* A small valve; a structure like a small valve. Also *val'vu-la* (-vyū-lə). [*< F < Med. L. valvula*, dim. of *L. valva* door]

val-vu-li-tis (val'vyū-lī'tis) *n.* *Pathol.* Inflammation of any membrane that serves as a valve in the organs or channels of circulation, especially of the blood. [*< NL < Med. L. valvula* (See VALVULE) + *-itis*]

vam-brace (vam'brās) *n.* Armor for the forearm from elbow to wrist. [Var. of *vambrace* *< AF vambras*, *OF vambras* *< avant* in front of + *bras* arm] — *vam'braced adj.*

va-moose (va-mōōs') *v.t. & v.i.* *-moosed, -moosing* [*Slang*] To leave hastily or hurriedly; quit. Also *va-moose* (-mōōs'). [*< Sp. vamos* let us go *< L. vadere* to go]

vamp (vamp) *n.* 1. The piece of leather forming the upper front part of a boot or shoe. For illustration see *SHOE*. 2. Something added to give an old thing a new appearance. 3. *Music* A simple improvised accompaniment. — *v.t.* 1. To provide with a vamp. 2. To repair or patch. 3. *Music* To improvise an accompaniment to. — *v.i.* 4. *Music* To improvise accompaniments. [*< OF anampie* forepart of the foot *< avant* before + *pie* foot] — *vamp'er n.*

vamp (vamp) *Informal n.t.* 1. To seduce or victimize a man by utilizing one's feminine charms. — *v.i.* 2. To play the vamp. — *n.* An unscrupulous flirt or coquette. [Short for *VAMPIRE*]

— *Syn.* (noun) siren, temptress, gold-digger, femme fatale.

vam-pire (vam'pir) *n.* 1. In European folklore, a corpse that rises from its grave at night to feed upon the living, usually by sucking the blood. 2. A man or woman who victimizes persons of the opposite sex; especially, a woman who brings her lover to a state of poverty or degradation. 3. A large bat (genera *Desmodus* and *Diphylla*) of South or Central America, that drinks the blood of horses, cattle, and sometimes, men. 4. An insectivorous or frugivorous bat (genera *Phyllostomus* and *Vampyrus*) formerly supposed to suck blood. [*< F < G vampir* *< Slavic*] — *vam'p-ir-ic (vam'pir'ik), vam'p-ir-ish* (-pir-ish) *adj.*

vam-pir-ism (vam'pir'iz'm, -pə-) *n.* 1. Belief in vampire (def. 1). 2. The act or practice of a vampire; bloodsucking. 3. The practice of extortion or of preying upon others.

van (van) *n.* 1. A large covered vehicle for transporting furniture, livestock, etc. 2. *Brit.* A closed railway car for luggage, etc. [Short for *CARAVAN*]

van (van) *n.* 1. The portion of an army, fleet, etc., that is nearest or in advance of the front; opposed to *rear*. 2. The leaders of a movement; those at the front of any line or unit. [Short for *VANGUARD*]

van (van) *n.* 1. *Archaic* A winnowing machine. 2. *Poetic* A wing. [Dial. var. of *FAN*]

van (vān) *prep.* *Dutch* *Of*; from: used with Dutch family names.

Van (vān) A town in SE Turkey, on Lake Van (1,453 sq. mi.); pop. about 22,000.

van-a-date (van'ə-dāt) *n.* *Chem.* A salt or ester of vanadic acid. Also *va-na-di-ate* (və-nā'dē-āt).

va-nad-ic (və-nad'ik) *adj.* *Chem.* Of, pertaining to, or derived from vanadium, especially in its higher valence.

vanadic acid *Chem.* Any of several acids containing vanadium, known only by their salts.

va-nad-i-nite (və-nad'ē-nīt) *n.* *Mineral.* A native vanadate and chloride of lead, found in opaque red or yellow prismatic crystals. [*< VANAD(IUM)* + *-IN* + *-ITE*]

va-na-di-um (və-nā'dē-əm) *n.* A rare, silver-white metallic element (symbol *V*), used in steel alloys to increase tensile strength. See *ELEMENT*. Abbr. *Vd.* [*< NL < ON Vanadiz*, a name of the Norse goddess Freya]

vanadium steel Steel containing from .1 to .25 percent of vanadium to increase its toughness and tensile strength.

van-a-dous (van'ə-dās) *adj.* *Chem.* Of, pertaining to, or derived from vanadium, especially in its lower valence. Also *va-na-di-ous* (və-nā'dē-əs).

Van Al-len radiation (van al'en) A high-intensity radiation consisting of charged atomic particles believed to exist in the earth in an inner and outer belt conforming to the earth's magnetic field. Compare *MAGNETOSPHERE*. Also *Van Allen belts*. [after James A. Van Allen, born 1914, U.S. physicist]

Van-brugh (van-brōō', van'brə), Sir John, 1664-1726, English playwright and architect.

Van Bu-ren (van byōōr'en), Martin, 1782-1862, eighth president of the United States 1837-41.

Van-cou-ver (van-kōō'vər) 1. A port city in SW British Columbia opposite *Vancouver Island* (12,408 sq. mi.) in island off the western coast of the Province; pop. 384,322. 2. A city in SW Washington, on the Columbia River; pop. 32,468.

Van-cou-ver (van-kōō'vər), George, 1758?-98, English seafarer and explorer.

van-dal (van'dəl) *n.* One who willfully destroys or defaces